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21 HOLLISTER & FITCH STORES, INC. dba  
22 HOLLISTER CO, HOLLISTER CO. CALIFORNIA,  
23 LLC

14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 U.S. EQUAL EMPLOYMENT  
17 OPPORTUNITY COMMISSION,  
18 Plaintiff,  
19 and  
20 UMME-HANI KHAN,  
21 Plaintiff-Intervenor  
22 vs.  
23 HOLLISTER & FITCH STORES, INC. dba  
24 HOLLISTER CO., HOLLISTER CO.  
25 CALIFORNIA, LLC,  
26 Defendants.

Case No.: CV 11-3162 YGR

**DEFENDANTS' PROPOSED VERDICT  
FORMS**

Date: Trial - September 30, 2013  
Time: 8:30 a.m.  
Before: Hon. Yvonne Gonzalez Rogers

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CV 11-3162 YGR

1 Defendants Abercrombie & Fitch Stores, Inc. d/b/a Hollister Co. and Hollister Co.  
2 California, LLC (herein referred to as "Defendants" or "Abercrombie") hereby submit the  
3 following proposed verdict forms:

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**DEFENDANTS' PROPOSED VERDICT FORM NO. 1**

## **COMPENSATORY DAMAGES**

1. Did Ms. Khan prove by a preponderance of the evidence that she suffered emotional distress or pain and suffering as a result of Abercrombie's actions?

Yes                         No

If your answer to question 1 is yes, then answer question 2. If you answered no, then stop here, answer no further questions, and sign and date this verdict form.

2. What are Ms. Khan's compensatory damages for emotional pain and suffering?

\$

3. Would the same compensatory damages award have been made under either Title VII or FEHA by itself?

Yes  No

If your answer to question 3 is no, then answer question 4. If you answered yes, then stop here, answer no further questions, and sign and date this verdict form.

4. Please provide the amount of compensatory damages that would have been awarded.

Amount of compensatory damages under Title VII \$ \_\_\_\_\_

Amount of compensatory damages under FEHA \$ \_\_\_\_\_

Sign and date this verdict form.

DATED:

## PRESIDING JUROR

**DEFENDANTS' PROPOSED VERDICT FORM NO. 2**

## **PUNITIVE DAMAGES UNDER TITLE VII**

1. Did Plaintiffs prove, by a preponderance of the evidence, that Abercrombie act with malice or reckless indifference to Ms. Khan's federally protected rights?

Yes                         No

If your answer to question 1 is yes, then answer question 2. If you answered no, then stop here, answer no further questions, and sign and date this verdict form.

2. Has Abercrombie engaged in good-faith efforts to comply with Title VII?

Yes                         No

If your answer to question 2 is yes, then answer question 3. If you answered no, then stop here, answer no further questions, and sign and date this verdict form.

3. Was Ms. Yoakum's decision contrary to Abercrombie's good faith efforts to comply with Title VII?

Yes                         No

16 | Sign and date this verdict form.

18 DATED: \_\_\_\_\_

## PRESIDING JUROR

**DEFENDANTS' PROPOSED VERDICT FORM NO. 3**

## **PUNITIVE DAMAGES UNDER FEHA**

1. Did Ms. Khan prove, by clear and convincing evidence, that Ms. Yoakum acted with malice, oppression or fraud with regard to Ms. Khan's federally protected rights?

Yes                         No

If your answer to question 1 is yes, then answer question 2. If you answered no, then stop here, answer no further questions, and sign and date this verdict form.

2. Did Ms. Khan prove, by clear and convincing evidence, that either Ms. Yoakum was an officer, a director, or a managing agent of Abercrombie; or that Abercrombie authorized or ratified Ms. Yoakum's wrongful conduct?

Yes  No

14 | Sign and date this verdict form.

16 DATED: \_\_\_\_\_

## PRESIDING JUROR

## **DEFENDANTS' PROPOSED VERDICT FORM NO. 4**

## **AWARD OF PUNITIVE DAMAGES**

**Answer this question ONLY if you:**

- Answered “Yes” to question 1 on Verdict Form 2 and “No” to either questions 2 and 3 on Verdict Form 2.

OR

- Answered “Yes” to both question 1 and 2 on Verdict Form 3.

9       1. What amount of punitive damages should be awarded? \$\_\_\_\_\_

10      2. Would the same punitive damages award have been made under either Title VII or

11      FEHA by itself?

Yes             No

13 If your answer to question 2 is no, then answer question 3. If you answered yes,  
14 then stop here, answer no further questions, and sign and date this verdict form.

3. Please provide the amount of punitive damages that would have been awarded.

Amount of compensatory damages under Title VII \$ \_\_\_\_\_

Amount of compensatory damages under FEHA \$ \_\_\_\_\_

19 | Sign and date this verdict form.

21 || DATED:

## PRESIDING JUROR

1 Respectfully submitted,  
2  
3

4 /s/ Daniel J. Clark  
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25 Attorneys for Defendants  
26 HOLLISTER & FITCH STORES, INC.  
27 HOLLISTER CO.  
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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing *Defendants' Proposed Verdict Forms* was electronically filed on this 9<sup>th</sup> day of September, 2013, with the Clerk of Court through the CM/ECF system, which will send notice of electronic filing to the following:

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